

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALLEN SABAHI,
Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. [19-cv-02155-TSH](#)

SECOND ORDER TO SHOW CAUSE

Under the April 22, 2019 Scheduling Order in this case, Plaintiff Allen Sabahi's motion for summary judgment or remand was due within 28 days of service of Defendant Andrew Saul's answer. ECF No. 3. As the Commissioner filed his answer on August 16, 2019 and Sabahi did not file a motion by the September 13, 2019 deadline, the Court ordered Sabahi to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. ECF No. 10. On September 30, 2019, Sabahi's counsel, Jesse Kaplan, filed a declaration in response, stating that he practices primarily in the Eastern District of California and was unfamiliar with this District's procedures. ECF No. 11. Kaplan stated he had begun drafting both the joint statement of the administrative record and Sabahi's motion for summary judgment and he requested 30 days to complete them. ECF No. 12. Good cause appearing, the Court discharged the show cause order and extended the briefing deadlines, directing Sabahi to file his motion for summary judgment or remand by October 30, 2019, and reminding the parties of their duty to meet and confer to determine whether they shall file a joint statement of the administrative record or separate statements. ECF No. 13. Sabahi has again failed to comply with the Court-ordered deadline.

Accordingly, the Court **ORDERS** Plaintiff Allen Sabahi to show cause why this case

1 should not be dismissed for failure to prosecute and failure to comply with court deadlines.
2 Plaintiff shall file a declaration by November 7, 2019. No chambers copy is required. Notice is
3 hereby provided that failure to file a written response will be deemed an admission that Plaintiff
4 does not intend to prosecute, and the case will be dismissed without prejudice. Thus, it is
5 imperative the Court receive a written response by the deadline above.

6 **IT IS SO ORDERED.**

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8 Dated: October 31, 2019

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11 THOMAS S. HIXSON
12 United States Magistrate Judge
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